VOLUME 1

# SECTION 2

**TENDER FORM FOR A WORKS CONTRACT**

Publication reference: 09-5674/2

Name of contract: <Name of contract>

**<Place and date>**

**A: <Name and address of contracting authority >.**

**One signed** form must be supplied (for each lot, if the tender procedure is divided into lots), together with the number of copies specified in the instructions to tenderers**.** The form must include a signed declaration using the annexed format from each legal entity submitting this tender. **All data included in this form must concern only the legal entity or entities submitting this tender.** The attachments to this form (i.e. declarations, statements, proofs) may be in original or copy. If copies are submitted, the originals must be sent to the contracting authority upon request. For economical and ecological reasons, we strongly recommend that you submit your files on paper (no plastic folder or divider). We also suggest you use double-sided printing as much as possible.

Any additional documentation (brochures, letters, etc.) sent with the form will not be taken into consideration. Tenders submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

Capacity-providing entities

An economic operator (i.e. tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing with the tender documents a commitment by those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. **For the purpose of the present tender, the data for this third entity for the relevant selection criterion has to be included in a separate document**. Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

**1 SUBMITTED BY(i.e the identity of the tenderer and bank account details)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Name(s) of tenderer(s)** | **Official address, postcode, P.O box, city, country** | **Legal form** | **VAT number and/or Registration number (if applicable)** | **Place of main registration[[1]](#footnote-2) (city and country) and date of registration** | **PIC number[[2]](#footnote-3)** |
| **Leader[[3]](#footnote-4)** |  |  |  |  |  |  |
| **Member 2\*** |  |  |  |  |  |  |
| **Etc.** |  |  |  |  |  |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Account name and account holder name** | **IBAN/Account number** | **Currency** | **BIC/Swift code** | **Bank name and branch code** | **Address of bank, P.O box, city, country** |
| **Leader[[4]](#footnote-5)** |  |  |  |  |  |  |

**2 CONTACT PERSON (for this tender)**

|  |  |
| --- | --- |
| **Name** |  |
| **Address** |  |
| **Telephone** |  |
| **e-mail** |  |

**3 TENDERER’S DECLARATION(S)**

**FINANCIAL CONTRIBUTIONS FROM NON EU COUNTRIES**

As part of this tender, each legal entity identified under point 1 of this form, including every consortium member, must submit an updated notification or declaration on foreign financial contributions received in the last three years using the Form FS-PP available in <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R1441> (Annex II).

If the procurement procedure is divided into lots, the obligation to notify or declare will apply where the estimated value of the procurement exceeds EUR 250 million and the value of the lot or the aggregate value of all the lots to which the tender applies is equal to or greater than EUR 125 million.

Main subcontractors or main suppliers must also submit an updated notification or declaration on foreign financial contributions received in the last three years using the Form FS-PP. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 20 % of the value of the submitted tender.

**As part of their tender, each legal entity identified under point 1 of this form, including every consortium member,must submit a signed tenderer’s declaration using this format.**

**Additionally, each legal entity identified under point 1 of this form, including every consortium member, as well as each capacity providing entity and each subcontractor, must submit the declaration on honour on exclusion and selection criteria (Annex 1) (insert Form a.14a).**

In response to your letter of invitation to tender for the above contract,

we, the undersigned, hereby declare that:

1. We have examined and accept in full the content of the dossier for invitation to tender No [……………………………….] of [../../..]. We hereby accept its provisions in their entirety, without reservation or restriction.
2. We offer to execute, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction, the following works:

Lot No 1: [*description of works*][for subcontractors: *description of the portion covered by the subcontract]*

Lot No 2: [*description of works*][for subcontractors: *description of the portion covered by the subcontract]*

Etc.

1. The price of our tender [*excluding the discounts described under point 4*] is:

Lot No 1: [……………………………………………..]

Lot No 2: [……………………………………………..]

Etc.

1. We will grant a discount of [%], or […………..] [*in the event of our being awarded lot No ...and lot No ………*].
2. This tender is valid for a period of 90 days from the final date for submission of tenders.
3. If our tender is accepted, we undertake to provide a performance guarantee, as required by Article 15 of the special conditions.
4. Our firm/company [*and our subcontractors*] has/have the following nationality:

**<**…………………………………………………>

1. We are making this tender [on an individual basis/as member of the consortium led by<name of the leader / ourselves>]. We confirm that we are not tendering for the same contract in any other form. [We confirm, as a member of the consortium, that all members are jointly and severally bound in respect of the obligations under the contract, including any recoverable amount, that the lead member is authorised to bind, and receive instructions for and on behalf of, each member, that the execution of the contract, including payments, is the responsibility of the lead member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract’s execution]. [We, the tenderer, confirm that where we rely on the capacities of other entities with regard to the criteria relating to economic and financial capacity, we have the written commitment made by the capacity providing entities that they are jointly liable for the performance of the contract.]
2. We undertake, if required, to provide the proof usual under the law of the country in which we are effectivelyestablished that we do not fall into any of the exclusion situations. The date on the evidence or documents provided will be no earlier than one year before the date of submission of tender and, in addition, we will provide a statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up.

We also undertake, if required, to provide evidence of financial and economic standing and technical and professional capacity according to the selection criteria for this call for tender specified in the additional information about the contract notice. The documentary proofs required are listed in Section 2.6.11. of the practical guide.

1. We agree to abide by the ethics clauses in Clause 28 of the instructions to tenderers and, in particular, have no professionalconflicting of interests and/or any equivalent relation with other candidates or other parties in the tender procedure or behaviour which may distort competition at the time of the submission of this formaccording to Section 2.5.4. of the practical guide. We have no interest of any nature whatsoever in any other tender in this procedure.

We confirm that we, including allconsortium members, capacity providing entities and subcontractorsif any, are not in the lists of EU restrictive measures[[5]](#footnote-6)([www.sanctionsmap.eu](http://www.sanctionsmap.eu))and we understand that our tender may be rejected, if proved the contrary.

1. We will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this tendermay result in our exclusion from this and other contracts funded by the EU/EDF.
2. We note that the contracting authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract. It will incur no liability towards us should it do so.
3. We fully recognise and accept that if the above-mentioned persons participate in spite of being in any of the situations listed in Section 2.6.10.1.1. of the practical guide or if the declarations or information provided prove to be false, they may be subject to rejection from this procedure and to administrative sanctions in the form of exclusion and financial penalties up to 10 % of the total estimated value of the contract being awarded and that this information may be published on the Commission website in accordance with the Financial Regulation in force.
4. We are aware that, for the purposes of safeguarding the EU's financial interests, our personal data and those of all entities involved in the performance of the contract may be transferred to internal audit services, to the Early Detection and Exclusion System, to the European Court of Auditors,, to the European Anti-Fraud Office or to the European Public Prosecutor’s Office.
5. We agree that any arbitral award resulting from this tender will be published on the European Commission’s website after anonymisation.

[\* Delete as applicable]

Name and first name: […………………………………………………………………]

Duly authorised to sign this tender on behalf of:

**[**…………………………………………………………………………………… …**]**

Place and date: […………………………………………………………….………….]

Stamp of the firm/company:

This tender includes the following annexes:

[*Numbered list of annexes with titles*]

**ANNEX 1 – DECLARATION ON HONOUR ON EXCLUSION AND SELECTION CRITERIA**

**[How to submit the Declaration on Honour:**

Insert here form a14a, available at the following link: <https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

For the Declaration on Honour, different steps are applicable depending on the type of procedure. The applicable procedure can be verified in your letter of invitation.

For work tenders where the instructions to tenderers (see section 17) state that the tender should be submitted by post or courier or hand delivered

* each legal entity identified under point 1, including every consortium member, and capacity-providing entities or subcontractor (if any) signs and dates the Declaration on Honour;
* when submitting the tender, the signed and dated originalDeclaration(s) on Honour shall be included;
* in case the Qualified Electronic Signature (QES) is used for the signing of the Declaration(s) on honour, submitthe QES-signed Declaration on Honour by email.

**Delete this section highlighted in yellow after having completed all instructions.]**

1. In case the tenderer is an individual, mention the nationality of the individual. [↑](#footnote-ref-2)
2. PIC number not applicable in indirect management, where the Partner Country makes the payments. See section 17, annex d4b. [↑](#footnote-ref-3)
3. Add/delete additional lines for members as appropriate. Note that a capacity providing entity/subcontractor is not considered to be a member for the purposes of this tender procedure. Subsequently, the data on capacity providing entities/ subcontractor must not appear in the data related to the economic, financial and professional capacity but on a separate document.If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as ‘leader’ (and all other lines should be deleted). Any change in the identity of the leader and/or any consortium members between the deadline for receipt of requests to participate indicated in the contract notice and the award of the contract is not permitted without the prior written authorisation of the contracting authority. [↑](#footnote-ref-4)
4. Add only the bank account details of the leader to whom payments under the proposed contract should be made in the event that you are awarded the contract. [↑](#footnote-ref-5)
5. Please note that the EU Official Journal contains the official list of entities subject to restrictive measures and, in case of conflict, it prevails over the list of the [*EU Sanctions Map*](https://www.sanctionsmap.eu/#/main). [↑](#footnote-ref-6)